

Staff Report



Development Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: April 29, 2024

SUBMITTED BY: Garett Stevenson, Director of Development and Housing Approvals,
519-741-2200 ext. 7860

PREPARED BY: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD INVOLVED: Ward 9

DATE OF REPORT: April 24, 2024

REPORT NO.: DSD-2024-209

SUBJECT: Part Lot Control Exemption – PLC24/001/K/TS
387 & 397 King Street East
2296093 Ontario Inc.

RECOMMENDATION:

That the City of Kitchener, grant approval to Part Lot Control Exemption Bylaw PLC24/001/K/TS for 387 & 397 King Street East to exempt certain lots from Part Lot Control - Part of Lots 16 or 15 (Hueglin) & Part of Lots 17 (B. Moogk) & 18, South Side of King Street, Registered Plan 364, Part of Lot 19, South Site of King Street, Registered Plan 365, and further,

That the City Solicitor be authorized to execute and register an agreement with the Owner pursuant to Section 118 of the Land Titles Act in relation to the property legally described as Part of Lots 16 or 15 (Hueglin) & Part of Lots 17 (B. Moogk) & 18, South Side of King Street, Registered Plan 364, Part of Lot 19, South Site of King Street, Registered Plan 365

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a recommendation to approve the proposed Part Lot Control exemption By-law for the property at 387 & 397 King Street East.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The owner 2296093 Ontario Inc. is proposing a part lot control exemption to create a strata plan for the property containing 8 part lots.

The subject property is an irregular shaped lot, with frontage onto King Street East, Charles Street East, Madison Avenue South, and Cedar Street South. The property has received site

plan approval in 2018 for 2 buildings, one containing a 2-storey building with ground floor commercial and a 2nd storey office space. The other building consists of an 8-storey building containing ground floor commercial and the remaining floors are residential containing 60 residential units (Site Plan Application SP18/063/K/LT).

This application is in conjunction with a Common Element Condominium application that has been circulated and currently under review. Each of the buildings within the parcel of tied lands will also be making a future standard condominium applications to further delineate the units.

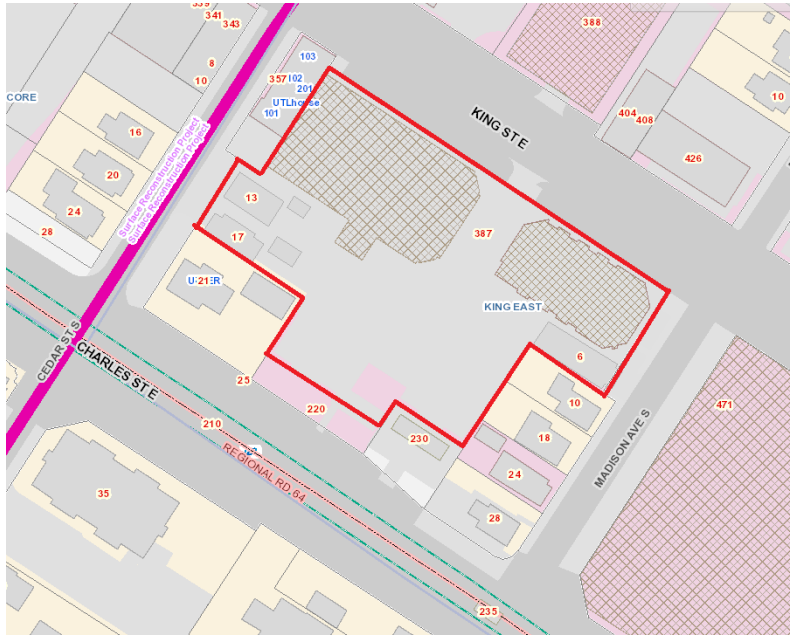


Figure 1: Location map

REPORT:

The owner 2296093 Ontario Inc. is proposing a part lot control exemption to create a strata plan for the property containing 8 part lots. 1 parcel of tied land will consist of a two-storey commercial office building, 1 parcel of tied land will consist of an eight storey mixed use building, 5 part lots will consist of various mechanical rooms, and 1 for a maintenance easement. This application is in conjunction with a Common Element Condominium application that has been circulated and currently under review. Each of the buildings within the parcel of tied lands will also be applying for standard condominium applications.

Each parcel of tied land created will be required to be a separate conveyance in order to be dealt with separately, and for this purpose the part lot control exemption process has been requested.

An agreement under Section 118 of the Land Titles Act will be required in order to ensure that the POTL's will not be conveyed until the standard condominium applications are registered without the City's permission. The Section 118 agreement will be released from title when both POTLs are registered.

Registered plan 58R-22006 was submitted and approved by the Land Registry office as part of this application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Land Titles Act*
- *Condominium Act, 1998*
- *MUN-PLA-1072*

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

- Appendix “A” - Registered Plan 58R-22006
- Appendix “B” - Approved Site Plan SP18/063/K/TS
- Appendix “C” - Proposed Part Lot Control By-law